

REMARKS

Introduction

In response to the Office Action dated May 2, 2007, Applicants have amended the abstract. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Drawings

The Office Action stated that Fig. 1 should be designated as --Prior Art--. This rejection is traversed. The Office Action has failed to provide any basis for asserting that Fig. 1 should be labeled as --Prior Art--. The Office Action has not shown, that which is depicted in Fig. 1 are known to one of ordinary skill in this art prior to the filing of this application. Thus, the Examiner has no basis for asserting that Fig. 1 is Prior Art.

Withdrawal of the foregoing rejection is respectfully requested.

Specification

The Abstract was objected to for containing legal phraseology. In response, the Applicants have amended the abstract.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-4 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Japanese Patent Publication No. 2003-051219 (hereinafter Matsui). The Office Action asserts that Matsui discloses a coaxial cable 1 including a core conductor 2, an insulator 5 arranged around the outer

periphery of the core conductor 2, and an outer conductor 6 arranged around the outer periphery of the insulator 5 coaxially relative to the core conductor 2, wherein the Young Modulus of the core conductor is *inherently* 240 GPa or more.

Inherency requires that the prior art material necessarily has the required properties. The assertion that the prior art material may have comparable properties is insufficient to assert that the prior art inherently has the claimed properties.

It should be noted that, “inherency may not be established by probabilities or possibilities,” *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999). In the instant case, Matsui is *silent* as to the aforementioned feature, much less provides a basis for asserting inherency of the feature.

Matsui further does not suggest the unexpected improvement in torsion resistance provided by the claimed coaxial cable including a core conductor having a Young’s modulus of 245 GPa or more.

The Office Action merely asserts that the core wire of Matsui may include the claimed structure of the core and its materials, and alleged that the core wire of Matsui must exhibit the same characteristics. The Examiner has provided no basis for this conclusion. The Office Action sets forth a motivational rationale not supported by the record, but rather based solely on the Examiner’s belief of what one skilled in the art may have tried or recognized.

The Office Action asserts that the claimed structure and the materials of the claimed structure may comprise the core wire of Matsui. The Examiner’s position that the core conductor of Matsui *inherently* had a Young’s modulus of 245 GPa or more is faulty. The core conductor of Matsui is a copper alloy (*see*, Para. [0001] of the Detailed Description of the Invention in the machine translation of Matsui). The Young’s modulus of the core conductor

containing a copper alloy would be about 118 GPa (*see, e.g.*, Sample No. 100 in Table II; pg. 12, line 23 – pg. 13, line 15; pg. 18, lines 16-19 of the present application). Therefore, the Examiner's conclusion that the core conductor of Matsui *inherently* has the claimed Young's modulus because Matsui discusses comparable materials is incorrect.

Matsui fails to disclose or suggest, at a minimum, "...wherein the Young's modulus of the core conductor is 245 GPa or more," as recited in claim 1.

Claim Rejection Under 35 U.S.C. § 103

Claim 5 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Matsui in view of Schafer (U.S. Patent No. 4,161,704).

Claim 5 depends from claim 1 and includes all of the features of that claim plus additional features, which are not taught or suggested by the cited references. Therefore, for at least these reasons, it is respectfully submitted that claim 5 also patentably distinguishes over the cited references.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Lisa A. Kilday

Registration No. 56,210

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:LAK
Facsimile: 202.756.8087
Date: July 16, 2007

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